

REMARKS

Claims 5-10, and 15 and 16 are all the claims pending in the application. Applicant seeks clarification regarding claim 16 as it was not rejected in the Office Action, and thus it appears that claim 16 is in condition for allowance if re-written in independent form. Claims 5-10 and 15 are rejected. Applicant respectfully traverses the prior art rejections based on the following discussion.

I. The Prior Art Rejections

Claims 5, 7, 9 and 15 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Jurek ("Jurek")(U.S. Patent No. 4,069,607). Claims 5 and 6 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Nilsson ("Nilsson")(U.S. Patent No. 4,547,988). Claim 10 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Jurek as applied to claim 5 above. Claim 8 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Nilsson in view of Brewer ("Brewer")(U.S. Patent No. 3,106,033).

A. The Rejection Based on Jurek

Regarding claim 5, Jurek fails to disclose, teach or suggest the features of independent claim 5, and related dependent claims 7, 9 and 15, including the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface. (See Application, Page 7, line 32-Page 8, line 12; Page 11, line 30-Page 12, line 19; and Figures 1-6).

Indeed, Figures 1-32 of Jurek merely teach a conventional universally fitting adapter system for a high power .22 caliber rifle providing for the firing of conventional .22 caliber rimfire ammunition in order to improve the malfunction rate. The system, in pertinent part, includes a bolt 52

with a bolt face 72, a rectangular notch 78 in the bolt 52 (what the Office Action appears to analogize to Applicant's rectangular recess), and a flat or planar surface situated opposite a protruding bolt feed lug 105. Importantly, the rectangular notch 78 is oriented downward from the outer surface of the bolt so as to be parallel to the flat surface (as indicated in Figures 10, 13 and 14), which is opposite the feed lug 105. Accordingly, the rectangular notch 78 is somewhat opposite a spring loaded extractor lever not the flat surface. Based on this structural configuration, the unique double spring operated bolt catch actuating mechanism in the .22 caliber rimfire adapter magazine maintains the breech open after firing the last round from the magazine adapter. Therefore, and contrary to the assertion in the Office Action, this system is specifically designed for use on a .22 caliber rifle not as a rocket loading and unloading tool as claimed by Applicant. (See Office Action, Pages 2-3, Section 3).

Further, please note, part 63 is an inertia firing pin not a recess (See Jurek at Abstract; Column 1, lines 5-60; Column 2, line 63-Column 4, line 16; Column 7, line 30-Column 8, line 13; and Figures 1-32).

In contrast, and as discussed in the previous amendment of February 7, 2008, Figures 1-6 of Applicant's invention include a rocket tool 10 to load and unload a rocket 15 into a tube 17 where the rocket tool 10 maintains proper alignment and contact with the rocket 15, and does not slip off a surface of the rocket 15 like the conventional technology nor damage an end shield or igniter attachment of the rocket. In particular, the rocket tool 10, includes a tool head 11 and a handle 12. The tool head 11 includes an arcuate peripheral surface 65 having a shape conforming to a segment of a cylinder with a predetermined axis running the length of the cylinder, a planar peripheral surface 67 subtending the arcuate peripheral surface 65 and extending perpendicular to the arcuate peripheral surface 65, a forward axial end face 70 terminating both the arcuate peripheral surface 65 and the planar peripheral surface 67, and a rectangular recess 75. In addition, the rectangular recess 75 is

defined by the tool head 11 and axially extends into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70. Further, the rectangular recess 75 radially extends openly inward from outside the arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis. Importantly, the rectangular recess extends completely through a portion of the arcuate peripheral surface into the interior of the tool head so that the rectangular recess is opposite to the planar peripheral surface. Accordingly, the first direction of the rectangular recess is oriented perpendicular to the planar peripheral surface. (See Application above).

Based on this structural configuration, a blast paddle 51 extends across the tube 17 and is situated in a transverse/second position 57 within the rectangular recess 75 with a rocket 15 in its initial position 26. Further, the tool head 11 is inserted into the tube 17 without the tool head engaging the paddle or stop 25, for urging the rocket into its final position 60 by engagement of a forward face 70 with rocket annular face 32, and without the tool 10 slipping from the annular surface and damaging the rocket. Therefore, the rectangular recess 75 provides the needed alignment of the rocket tool 10 so that a flat surface of the forward face 70 of the tool 10 pushes against the rocket motor 15 in a correct position in a rocket launcher, and thus prevents damage to the rocket motor end shield when loading the rocket. (See Application above).

For emphasis, Applicant discloses that the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface, whereas Jurek only teaches, in pertinent part, that the rectangular notch is oriented downward from the outer surface of the bolt so as to be parallel to the flat surface, which is opposite the feed lug. Accordingly, the rectangular notch is somewhat opposite a spring loaded extractor lever not, the flat surface.

Finally, this structural distinction is consistent with the focus of Applicant's invention to

provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Jurek is focused on a conventional universally fitting adapter system for a high power .22 caliber rifle providing for the firing of conventional .22 caliber, rimfire ammunition in order to improve the malfunction rate. An attempt to substitute Jurek's universal fitting adapter for a .22 caliber rifle for Applicant's open rectangular recess designed to permit easy insertion and removal of a blast paddle 51 would not be a compatible structure, and thus likely fail. (See above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Jurek structure.

Regarding the Claim 10 rejection, Applicant agrees with the Examiner that Jurek does not disclose the specific material, that is, the tool head is unitarily constructed of a material selected to dissipate static electricity.

Further, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. __ (April 30, 2007), Jurek does not disclose, teach or suggest the features of independent claim 5, and related dependent claim 10, including the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface. (See above).

Based on the above, the Applicant traverses the assertion that Jurek discloses or teaches Applicant's invention of independent claim 5, and related dependent claims 7, 9 10, and 15.

B. The Rejection Based on Nilsson

Regarding claim 5, Nilsson fails to disclose, teach or suggest the features of independent claim 5, and related dependent claim 6, including the rectangular recess radially extends completely through

the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface. (See Application, above).

Indeed, Figures 1-12 of Nilsson merely teach a conventional firearm system with a cylinder bolt mechanism consisting of a bolt and a receiver together with a cartridge chamber in a firearm barrel in order to provide the firearm with greater accuracy. The system, in pertinent part, as indicated in Figure 6, includes a receiver 2 with a groove 46 (what the Office action appears to analogize to Applicant's rectangular recess), a bolt body 12, a bolt head 13, a bolt hand rail 16, and a magazine opening 45 in a bottom portion of the receiver 2. In addition, the receiver 2 is circular in configuration. Importantly, the groove 46 extends partially through the bolt body 12 so as to be oriented downward and parallel to the magazine opening 45 (what is somewhat analogous to Applicant's planar peripheral surface). Accordingly, the groove 46 is situated opposite the bolt hand rail 16, which is embedded in the circular shaped receiver 2. Therefore, the groove 46 is ultimately opposite a portion of the circular surface of the receiver 2 not a flat surface or the magazine opening 45. Based on this structural configuration, the firearm system provides the firearm with greater accuracy. Therefore, and contrary to the assertion in the Office Action, this system is specifically designed for a rifle not as a rocket loading and unloading tool as claimed by Applicant. (See Office Action, Page 3, Section 4).

Further, please note, in Figure 7, a circular guide sleeve 18 includes a prolongation 46' of a groove 46 and a second groove 73. The prolongation 46' partially extends through the circular guide sleeve 18 and groove 73 extends through the guide sleeve 18. However, neither the prolongation 46' nor the groove 73 is oriented opposite a flat planar surface like Applicant's claimed invention. (See Nilsson at Abstract; Column 1, lines 5-37; Column 2, lines 28-38; Column 3, line 40-Column 4, line 60; Column 6, line 1-Column 7, line 5; and Figures 1-12).

For emphasis, Applicant discloses, as discussed above, that the rectangular recess radially

extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface, whereas Nilsson only teaches, in pertinent part, that the groove extends partially through the bolt body so as to be oriented downward and parallel to the magazine opening. Accordingly, the groove is situated opposite the bolt hand rail, and thus ultimately opposite a portion of the circular surface of the receiver not opposite a flat surface.

Finally, this structural distinction is consistent with the focus of Applicant's invention to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Nilsson is focused on a conventional firearm system with a cylinder bolt mechanism in order to provide the firearm with greater accuracy. An attempt to substitute Nilsson's firearm system, which includes the bolt and the receiver, for Applicant's open rectangular recess, which is designed to permit easy insertion and removal of a blast paddle, would not be a compatible structure, and thus likely fail. (See Application, above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Nilsson structure.

Although this rejection is a Section 102(b) rejection, Applicant further asserts, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. __ (April 30, 2007), Nilsson does not disclose, teach or suggest the features independent claim 5, and related dependent 6, including the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface. (See Application, above).

Based on the above, the Applicant traverses the assertion that Nilsson discloses or teaches Applicant's invention of independent claim 5, and relate dependent claim 6.

C. The Rejection Based on Nilsson in view of Brewer

Regarding claim 5, and related dependent claim 8, first the references, separately, or in combination, fail to disclose, teach or suggest a reason or motivation for being combined.

Nothing within Nilsson, which relates to a conventional firearm system with a cylinder bolt mechanism in order to provide the firearm with greater accuracy, suggest and improved firing mechanism with a sear safety indicator for bolt action rifles as disclosed in Brewer. (See Brewer, Column 1, lines 10-26; Column 1, line 66- Column 2, line 30; and Figures 1-16).

Indeed, the above two technologies with different focuses are structurally and functionally different, which implicitly teaches away from each other, and combining such references may likely destroy the function of these technologies.

Further, please note, as indicated above, and below, neither reference discloses or teaches a claim element, that is, the rectangular recess, as cited in Applicant's claimed invention. Further, neither Nilsson and Brewer both disclose a bolt (what the Office Action attempts to analogize to Applicant's tool head) are integrated with a firing mechanism not separate from the firing mechanism like Applicant's tool head, which is separate and not integrated with the rocket motor. Thus, even if combined, the cited references would not produce the claimed invention.

Thus, one of ordinary skill in the art would not have combined these references absent hindsight nor do other reasons exist to combine these references. (See Office Action, Page 4, Section 7).

Second even assuming that the references would have been combined, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. __ (April 30, 2007), the references do not disclose, teach or suggest the features independent

claim 5, and related dependent 8, including the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface. (See Application, above).

Indeed, Applicant agrees with the Office Action that Nilsson does not disclose or teach a screw head releasably attaches a handle to the tool head, the screw head is disposed at an end of the tool head opposite of the forward axial end face, a feature in the above recited dependent claim 8. Accordingly, Nilsson is deficient. (See Office Action, Page 4, Section 7).

Brewer is also deficient.

In particular, Figures 1-16 of Brewer merely disclose a firing mechanism with a sear safety indicator. The rifle stock 20 includes a receiver 22 and a bolt 34 where the bolt 34 is slidably and rotatably mounted in the receiver 22. Further, the bolt 34 is attached to a handle 326 where the bolt handle 36 includes a hub 44 slotted at slot 46 to receiver projections 48 extending from the of tubular body 42. the bolt handle 36 further includes grooves 53 in the hub 44 for receiving ball detents 51. Importantly, this mechanism only teaches the grooves 53 without any flat planar surface like Applicant's planar surface. Based on this configuration, the bolt handle 36 is directly attached to the receiver 22 via the bolt 34 not a separate tool head. Therefore, Brewer does not disclose or suggest that the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface perpendicular to the predetermined axis. Accordingly, Brewer is also deficient. (See Office Action, Page 4, Section 7; Brewer, column 1, lines 5-25; Column 1, line 68-Column 2, line 45; Column 2, line 67-Column 3, line 73; and Figures 1-16).

For emphasis, Applicant discloses, as discussed above, that the rectangular recess radially

extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface, whereas Brewer only teaches, in pertinent part, a bolt handle with a groove, let alone, the groove extends through an arcuate peripheral surface, let alone, includes a planar peripheral surface.

Thus, Applicant's invention is structurally distinct from the Brewer invention as Applicant's invention is configured to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, not an improved firing mechanism with a sear safety indicator for bolt action rifles.

Based on the above, Applicant traverses the assertion that Brewer discloses or teaches Applicant's invention of independent claim 5, and related dependent claim 8.

For at least the reasons outlined above, Applicant respectfully submits that neither Nilsson nor Brewer, alone or in combination, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, NO. 04-1350, 550 U.S. __ (April 30, 2007), disclose, teach or suggest, including the rectangular recess radially extends completely through the arcuate peripheral surface so that the rectangular recess is oriented opposite the planar peripheral surface perpendicular to the predetermined axis as recited in independent claim 5 of Applicant's invention.

For the reasons stated above, the claimed invention, and the invention as cited in independent claim 5, and related dependent claims 8, is fully patentable over the cited references.

II. Formal Matters and Conclusions

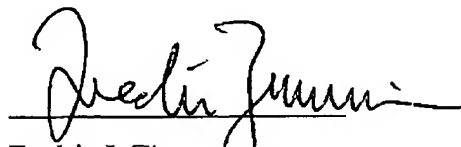
In view of the foregoing, Applicants submit that claims 5-10, 15 and 16, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 30 March 2009



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